

### **REMARKS**

Reconsideration of the pending claims is respectfully requested in view of the above amendments and following remarks.

The amendments as impliedly suggested by the Examiner have been incorporated into new claim 21. Claim 21 corresponds to previously presented claim 1, but with amendments to incorporate the feature of claim 14, which has been indicated as allowable by the Examiner, and by replacing “swellable porous ink receiving layer” with “porous hydrophilic polymer ink receiving layer” and to replace “swellable porous foamed hydrophilic polymer” with “porous foamed hydrophilic polymer in which the hydrophilic polymer is swellable” which the Examiner indicated would obviate specific objections raised with regard to 35 USC 112.

Dependent claims 5, 10, 13 and 17 have been amended for consistency with new claim 21 and the dependency of all claims previously dependent upon claim 1 has been changed to new claim 21.

Claim 14 has been cancelled.

Claim 16, which the Examiner indicated was otherwise allowable, has been amended to obviate specific objections raised with regard to 35 USC 112, by replacing “swellable porous ink receiving layer” with “porous ink receiving layer” and replacing “swellable porous foamed hydrophilic polymer” with “porous foamed hydrophilic polymer which hydrophilic polymer is swellable” in a manner implied as allowable in the last Office Action.

Claims 19 and 20 have been amended in a manner suggested by the Examiner and for consistency with new claim 21 and amended claim 16.

The amendments to the claims are supported by the specification.

Entry of the present amendments is respectfully requested, since they address the issues identified by the examiner, clearly distinguish from the cited references and place the application in condition for allowance.

The Examiner’s acknowledgement of the allowance of previously presented claim 14, subject to clarification of certain terms, is appreciated. By inserting new claim 21 corresponding to previously presented

claim 1 incorporating the feature of claim 14 and amending the terms used therein for clarity, in the manner indicated by the examiner, it is assumed that the Examiner will now allow the application to proceed to issuance. If the Examiner would prefer alternative wording on further consideration, she is asked to contact Applicant's representative.

Previously presented claim 1, which we believe is allowable, has been retained in case the Examiner decides not to allow the remaining pending claims, but can be deleted should the Examiner be minded to allow the remaining claims of the application to proceed to grant.

**Rejection under 35 USC 112, first paragraph**

Claims 1, 3-7, 9-14 and 16-20 were rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement.

According to the Office Action, the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Office Action states that while the meaning of each of the terms “swellable” and “porous” as used separately in the art is understood, when used together, the terms no longer can be considered to be used in the art recognized manner and that this is clear from applicants’ explanations provided with their response. The Office Action then states reasons in support of this assertion (not restated here).

For at least the following reasons, Applicant traverses the rejection.

The Examiner’s assertions are noted but the reasons therefore are not conceded. Nevertheless, in the interests of procedural efficiency, Applicant has inserted a new main claim, new claim 21, corresponding to claim 1, but amended in a manner implicitly indicated by the Examiner. Accordingly, the term “swellable porous ink receiving layer” is replaced with “porous hydrophilic polymer ink receiving layer” (for which there is specific support at page 2, lines 14-15) and the term “swellable porous foamed hydrophilic polymer” is replaced with “porous foamed hydrophilic polymer which hydrophilic polymer is swellable” (the hydrophilic polymer used being swellable as specifically mentioned at page 2, line 7 of the application). New claim 21 is therefore directed to an inkjet recording medium consisting essentially of a support and one or more porous hydrophilic polymer ink receiving layer(s) supported on said support, said one or more porous hydrophilic polymer ink receiving layer(s) comprising a porous foamed hydrophilic polymer which hydrophilic polymer is swellable, wherein the one or more porous hydrophilic polymer ink receiving layer(s) are essentially capable of absorbing dye from an applied ink within the polymer. It is believed that this amendment adequately addresses the Examiner’s concerns

since the terms “swellable” and “porous” are no longer presented together in the claim. Any implied limitation in scope arising from these amendments is denied. It is believed the present amendments should satisfy the Examiner and obviate the specific rejection raised.

For at least the above reason, reconsideration and withdrawal of the rejection in respect of new claim 21 and dependent claims 3-7, 9-13, 17 and 19 are in order.

Claim 16 has also been amended to obviate the rejection under 35 USC 112, first paragraph and so for at least the same reasons as discussed above, reconsideration and withdrawal of the rejection in respect of amended claim 16 and depending claims 18 and 20 are in order.

**Rejection under 35 USC 112, second paragraph**

Claims 1, 3-7, 9-14 and 16-20 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Office Action cites the reasons set forth in respect of the rejection under 35 USC 112, first paragraph, above in support of this rejection and further reasoning is provided (not restated here). Applicant traverses the rejection.

For the same reasons as set out above in response to the rejection under 35 USC 112, first paragraph, it is believed that the amended wording provided in new claim 21 and amended claim 16 obviate this rejection.

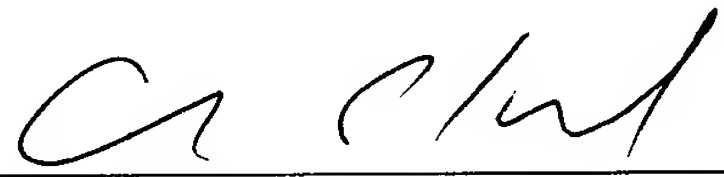
Accordingly, in respect of new claim 21, amended claim 16, and dependent claims reconsideration and withdrawal of the rejection are in order.

Whilst it is maintained that present claim 1 is allowable and the rejections raised in connection with this claim traversed, supported by the argument previously presented by the applicant, specific rejections to this

claim are not addressed herein on the assumption that the Examiner will allow the remaining claims, as indicated, whereupon present claim 1 can be deleted.

In view of the foregoing remarks, reconsideration of the above identified patent application is respectfully requested. Prompt and favorable action by the Examiner is earnestly solicited. Should the Examiner require anything further, the Examiner is invited to contact Applicant's representative.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Chris P. Konkol', written over a horizontal line.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of  
Inventor(s): Julie Baker, et al.

Group Art Unit: 1774  
Examiner: Schwartz, Pamela R.

FOAMED POLYMER LAYERS AS  
INKJET RECEIVERS

Serial No.: 10/631,236

Filed: July 31, 2003

Commissioner for Patents  
Alexandria, VA 22313-1450

**DECLARATION BY THE NAMED INVENTOR ON US 6,299,302**

Sir:

I, Charles D. DeBoer, a US citizen of Rochester, NY, hereby  
declare the following:

I was educated at Iowa State University in chemistry (Bs) and  
at the California Institute of Technology in organic photochemistry (Ph.D.)  
and worked for one year as a postdoctoral research scientist at Columbia  
University, New York City. I am currently an employee of Eastman Kodak  
Company having worked in the Research Labs of Eastman Kodak for 32 years.  
I am a named inventor on about 120 patents, about 20% of which are in the  
field of inkjet printing. I have substantial direct laboratory experience in inkjet  
printing and consider myself knowledgeable about the properties of inkjet  
coatings and the experimental materials used in these coatings.

I am co-inventor with Werner Fassler and Judith L. Fleissig,  
and named as such, of the invention described and claimed in US Patent No.  
6,299,302.

The main idea of the invention described in US Patent No.  
6,299,302 was that large droplets of ink could provide small dots of image by  
removing the majority of the ink droplet before viewing. There was only one

Example, done, using a clay and silica receiving layer and a 4 micron thick hydrophilic polymer delivery layer. The resulting inkjet receiving element was definitely not porous, due to the non-porous top delivery layer.

Our inclusion of a "blowing agent" in the laundry list of possible additives to the layer ink receiving layer of US Patent No. 6,299,302 was prophetic only, without any experimental backup. It is my opinion, however, that addition of a blowing agent to the formula used in the Example of US Patent No. 6,299,302 would probably have no effect at low levels, and at high levels would probably cause bubbles and non-uniformities on a scale at least 10 times larger than the size of inkjet droplets.

The ink receiving layer is described generally as comprising clay, one or more hardening agent and optionally colloidal silica with one or more water-soluble binder where the water soluble binder is present in an amount of 2-15%, preferably 5-12% by dry weight of the layer (See Table 1). The Example used 8.7% of hydroxypropyl methyl cellulose binder. Based upon my knowledge and experience in the field of ink jet printing, I can state that there would be no appreciable level of swelling of such a layer upon application of ink from an ink jet printer. As such, it can not in my opinion be fairly described as a swellable layer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, under title 18 § 1001 of the united states code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: January 30, 2007

Charles D. De Boer  
Charles D. De Boer



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**DECLARATION BY THE INVENTOR**

Sir:

I, Julie Baker, a citizen of the UK and having a place of residence at 46 Dowding Way, Leavesden, Watford, Herts, WD25 7GA, UK, hereby declare the following:

I am an employee of Kodak Limited, a UK company and wholly owned subsidiary of Eastman Kodak Company, at Kodak's European Research Laboratory situated in Cambridge, UK. I have worked at Kodak's research laboratories for 20 years.

I was educated at Thames Valley University and have a first class Chemistry degree (GRSC Part II). I am a named inventor on about seventeen patent families, eleven of which are in the field of inkjet printing. I have substantial direct laboratory experience in inkjet printing and consider myself knowledgeable about the properties of inkjet coatings and the experimental materials used in these coatings.

I am inventor of the invention described and claimed in the present application (USSN 10/631,236).



I am aware of the rejections raised by the Examiner in the non-final office action of August 2, 2006.

I am familiar with the disclosure in DeBoer et al (US Patent No. 6,299,302) of an ink jet receiving element having a support, a receiving layer and an ink delivery layer. With regard to the receiving layer of the element described in DeBoer, a question has been brought to my attention as to whether there is sufficient polymer present to cause the layer to swell. The receiving layer of DeBoer is described as having clay, optionally colloidal silica, one or more hardening agents and one or more water-soluble binders, as essential components, where the water soluble binder is present in an amount of 2-15% by dry weight of the layer. Based upon my knowledge and experience in the field of ink jet printing, I can state that there would be no appreciable level of swelling of such a layer upon application of ink from an ink jet printer. As such, it can not in my opinion be fairly described as a swellable layer.

As the named inventor on cited reference EP 1060901 ("Inkjet ink image recording element"), I am familiar with the contents thereof. EP 1060901 (EP'901) is concerned with an image recording element for inkjet printing providing improved drytime and differential gloss (i.e. reduced difference in gloss between printed and non-printed areas). This was achieved by providing a base layer for the absorption of ink solvent and an ink receptive top layer in which it was essential to provide a gelatin and a humectant in order to demonstrate the described improvements. The top layer was capable of and intended to absorb image dye during printing. The base layer was capable of and intended to absorb ink solvent.

Since the top layer in EP'901 was a non-porous layer composed of hydrophilic polymer materials, it is my opinion that such a layer placed on top of a swellable porous foamed hydrophilic polymer layer according to the ink jet recording medium of the present application (USSN 10/631,236) would materially affect the basic and novel characteristics of the invention of enabling rapid ink absorption into the layer whilst maintaining image stability comparable to that achieved with a conventional non-porous receiver. This is because, the top layer of '901 is a non-porous polymer layer, which although

capable of absorbing dye will only do so slowly and will significantly reduce the rate of absorption of an applied ink within the layer and layers beneath.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, under Title 18 § 1001 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: 10/11/07

JBaker  
Julie Baker